

ERIE COUNTY

REQUEST FOR PROPOSAL (RFP)

To Provide Fair Housing Services -Erie County Community Development Block Grant Consortium

RFP#1403VF

December 20, 2013

Diane A. Cadle
Environment and Planning
EDWARD A. RATH COUNTY OFFICE BUILDING
95 FRANKLIN STREET
BUFFALO, NEW YORK 14202

COUNTY OF ERIE, NEW YORK

REQUEST FOR PROPOSALS ("RFP")

RFP#1403VF

To Provide Fair Housing Services – Erie County Community Development Block Grant Consortium

I. INTRODUCTION

The County of Erie, New York (the "County") is currently seeking Proposal from qualified organizations/firms interested in providing fair housing services to residents in the Erie County Community Development Block Grant Consortium. Proposers interested in providing said services are invited to respond to this request.

It is the County's intent to select the Proposer that provides the best solution for the County's needs.

The County reserves the right to amend this RFP. The County reserves the right to reject any or all of the proposals, or any part thereof, submitted in response to this RFP, and reserves the right to waive formalities, if such action is deemed to be in the best interest of the County. The County reserves the right to request additional information from any proposer. The County reserves the right to award negotiated contracts to one or more proposers.

This RFP is not intended and shall not be construed to commit the County to pay any costs incurred in connection with any proposal or to procure or contract with any firm.

The County will only contract with firms that do not discriminate against employees or applicants for employment because of race, creed, color, national origin, sex, age, disability, marital status, sexual orientation, citizenship status or any other status protected by New York State and Federal laws.

II. PROPOSAL PROCEDURES

A. ANTICIPATED SCHEDULE OF PROPOSAL

The following schedule is for informational purpose only. The County reserves the right to amend this schedule at any time.

Issue RFP: December 20, 2013

Optional Pre-Proposal Meeting January 2, 2014

Proposals Due: January 21, 2014

Selection Made: Thirty (30) days following due date

Contract Signed: Following all necessary County approvals

B. GENERAL REQUIREMENTS

- 1. Each proposal shall be prepared simply and economically avoiding the use of elaborate promotional materials beyond what is sufficient to provide a complete, accurate and reliable presentation.
- 2. One (1) original and three (3) copies shall be submitted. Proposals MUST be signed. Unsigned proposals will be rejected.
- 3. Submission of the proposals shall be directed to:

Diane A. Cadle, Senior Housing Specialist Erie County Department of Environment and Planning Edward A. Rath County Office Building 95 Franklin Street, Room 1055 Buffalo, New York 14202

All proposals must be delivered to the above office on or before January 21, 2014 at 4:00 p.m. Proposals received after the above date and time will not be considered. The County is under no obligation to return proposals.

- 4. Requests for clarification of this RFP must be written and submitted to Diane Cadle at Edward A. Rath County Office building, 95 Franklin Street, Room 1055, Buffalo, NY 14202; Diane.Cadle@erie.gov; (716) 832-2617 no later than 4:00 on January 21, 2014. Formal written responses will be distributed by the County on or before January 3, 2014. NO COMMUNICATIONS OF ANY KIND WILL BE BINDING AGAINST THE COUNTY, EXCEPT FOR THE FORMAL WRITTEN RESPONSES TO ANY REQUEST FOR CLARIFICATION.
- 5. Proposers may be required to give an oral presentation to the County to clarify or elaborate on the written proposal. Those proposers will be notified to arrange specific times.
- 6. No proposal will be accepted from nor any agreement awarded to any proposer that is in arrears upon any debt or in default of any obligation owed to the County. Additionally, no agreement will be awarded to any proposer that has failed to satisfactorily perform pursuant to any prior agreement with the County.
- 7. Certified Minority Business Enterprise/Women's Business Enterprise (MBE/WBE) proposers should include the Erie County certification letter with the proposal.
- 8. If proposer is a Veteran Owned Business, proposer should include letter indicating company is 51% or more Veteran-owned.
- 9. Proposers are encouraged to attend the optional pre-proposal meeting which will be held at 10:00 a.m. on January 3, 2014 at 95 Franklin Street, Room 1004, Buffalo, NY 14202.
- 10. Fee: Each response shall include a lump sum fee for services.

III. SCOPE OF PROFESSIONAL SERVICES REQUIRED

Reference should be made to Schedule A of this RFP for the required Scope of Services

IV. STATEMENT OF RIGHTS

UNDERSTANDINGS

<u>Please take notice</u>, by submission of a proposal in response to this request for proposals, the proposer agrees to and understands:

- that any proposal, attachments, additional information, etc. submitted pursuant to this Request for Proposals constitute merely a suggestion to negotiate with the County of Erie and is not a bid under Section 103 of the New York State General Municipal Law;
- submission of a proposal, attachments, and additional information shall not entitle the proposer to enter into an agreement with the County of Erie for the required services;
- by submitting a proposal, the proposer agrees and understands that the County of Erie is not
 obligated to respond to the proposal, nor is it legally bound in any manner whatsoever by
 submission of same;
- that any and all counter-proposals, negotiations or any communications received by a proposing
 entity, its officers, employees or agents from the County, its elected officials, officers, employees
 or agents, shall not be binding against the County of Erie, its elected officials, officers, employees
 or agents unless and until a formal written agreement for the services sought by this RFP is duly
 executed by both parties and approved by the Erie County Legislature, the Erie County Fiscal
 Stability Authority, and the Office of the Erie County Attorney.

In addition to the foregoing, by submitting a proposal, the proposer also understands and agrees that the County of Erie reserves the right, and may at its sole discretion exercise, the following rights and options with respect to this Request for Proposals:

- To reject any or all proposals;
- To issue amendments to this RFP;
- To issue additional solicitations for proposals
- To waive any irregularities in proposals received after notification to proposers affected;
- To select any proposal as the basis for negotiations of a contract, and to negotiate with one or more of the proposers for amendments or other modifications to their proposals;
- To conduct investigations with respect to the qualifications of each proposer;
- To exercise its discretion and apply its judgment with respect to any aspect of this RFP, the evaluation of proposals, and the negotiations and award of any contract;
- To enter into an agreement for only portions (or not to enter into an agreement for any) of the services contemplated by the proposals with one or more of the proposers;
- To select the proposal that best satisfies the interests of the County and not necessarily on the basis of price or any other single factor;

- To interview the proposer(s);
- To request or obtain additional information the County deems necessary to determine the ability of the proposer;
- To modify dates;
- All proposals prepared in response to this RFP are at the sole expense of the proposer, and with the express understanding that there will be no claim, whatsoever, for reimbursement from the County for the expenses of preparation. The County assumes no responsibility or liability of any kind for costs incurred in the preparation or submission of any proposal;
- While this is a RFP and not a bid, the County reserves the right to apply the case law under General Municipal Law § 103 regarding bidder responsibility in determining whether a proposer is a responsible vendor for the purpose of this RFP process;
- The County is not responsible for any internal or external delivery delays which may cause any proposal to arrive beyond the stated deadline. To be considered, proposals MUST arrive at the place specified herein and be time stamped prior to the deadline

EVALUATION

The following criteria, not necessarily listed in order of importance, will be used to review the proposals. The County reserves the right to weigh its evaluation criteria in any manner it deems appropriate:

- Evaluation of the professional qualifications, personal background and resume(s) of individuals involved in providing services.
- Evaluation of the proposer's fee submission. It should be noted that while price is not the only consideration, it is an important one.
- A determination that the proposer has submitted a complete and responsive proposal as required by this RFP.
- An evaluation of the proposer's projected approach and plans to meet the requirements of this RFP. This will include the agency plan for publicity and outreach to minimize public awareness of the availability of services.
- The proposer's presentation at and the overall results of any interview conducted with the proposer.
- MBE/WBE Participation
- Past performance when undertaking work for the Erie County Department of Environment and Planning.
- Miscellaneous

- Proposers MUST sign the Proposal Certification attached hereto as Schedule "B". Unsigned proposals will be rejected.
- Proposers may be required to give an oral presentation to the County to clarify or elaborate on the written proposal.
- No proposal will be accepted from nor any agreement awarded to any proposer that is in arrears
 upon any debt or in default of any obligation owed to the County. Additionally, no agreement
 will be awarded to any proposer that has failed to satisfactorily perform pursuant to any prior
 agreement with the County.

CONTRACT

After selection of the successful proposer, a formal written contract will be prepared by the County of Erie and will not be binding until signed by both parties and, if necessary, approved by the Erie County Legislature, the Erie County Fiscal Stability Authority and the Office of the County Attorney. NO RIGHTS SHALL ACCRUE TO ANY PROPOSER BY THE FACT THAT A PROPOSAL HAS BEEN SELECTED BY THE COUNTY FOR SUBMISSION TO THE ERIE COUNTY LEGISLATURE AND/OR THE ERIE COUNTY FISCAL STABILITY AUTHORITY FOR APPROVAL. THE APPROVAL OF SAID LEGISLATURE AND/OR AUTHORITY MAY BE NECESSARY BEFORE A VALID AND BINDING CONTRACT MAY BE EXECUTED BY THE COUNTY.

The term of the contract shall be for a one (1) year period commencing April 1, 2014 and terminating March 31, 2015. The County, in its sole discretion may extend the agreement beyond the initial term for up to two (2) additional one-year periods at the same prices and conditions.

INDEMNIFICATION AND INSURANCE

The proposer accepts and agrees that language in substantially the following form will be included in the contract between the proposer and the County:

"In addition to, and not in limitation of the insurance requirements contained herein the Agency agrees:

- (a) that except for the amount, if any, of damage contributed to, caused by or resulting from the negligence of the County, the Agency shall indemnify and hold harmless the County, its officers, employees and agents from and against any and all liability, damage, claims, demands, costs, judgments, fees, attorneys' fees or loss arising directly or indirectly out of the acts or omissions hereunder by the Agency or third parties under the direction or control of the Agency; and
- (b) to provide defense for and defend, at its sole expense, any and all claims, demands or causes of action directly or indirectly arising out of this Agreement and to bear all other costs and expenses related thereto.

Upon execution of any contract between the proposer and the County, the proposer will be required to provide proof of the insurance coverage described in Schedule "C".

Insurance coverage in amount and form shall not be deemed acceptable until approved by the County Attorney.

NON-COLLUSION

The proposer, by signing the proposal, does hereby warrant and represent that any ensuing agreement has not been solicited, secured or prepared directly or indirectly, in a manner contrary to the laws of the State of New York and the County of Erie, and that said laws have not been violated and shall not be violated as they relate to the procurement or the performance of the agreement by any conduct, including the paying or the giving of any fee, commission, compensation, gift, gratuity or consideration of any kind, directly or indirectly, to any County employee, officer or official.

CONFLICT OF INTEREST

All proposers must disclose with their proposals the name of any officer, director or agent who is also an employee of the County of Erie. Further, all proposers must disclose the name of any County employee who owns, directly or indirectly, an interest of ten percent or more in the firm or any of its subsidiaries or affiliates.

There shall be no conflicts in existence during the term of any contract with the County. The existence of a conflict shall be grounds for termination of a contract.

COMPLIANCE WITH LAWS

By submitting a proposal, the proposer represents and warrants that it is familiar with all federal, state and local laws and regulations and will conform to said laws and regulations. The preparation of proposals, selection of proposers and the award of contracts are subject to provisions of all Federal, State and County laws, rules and regulations.

CONTENTS OF PROPOSAL

The New York State Freedom of Information Law as set forth in Public Officers Law, Article 6, Sections 84 et seq., mandates public access to government records. However, proposals submitted in response to this RFP may contain technical, financial background or other data, public disclosure of which could cause substantial injury to the proposer's competitive position or constitute a trade secret. Proposers who have a good faith belief that information submitted in their proposals is protected from disclosure under the New York Freedom of Information Law shall:

a) insert the following notice in the front of its proposal:

"NOTICE

The data on pages ___ of this proposal identified by an asterisk (*) contains technical or financial information constituting trade secrets or information the disclosure of which would result in substantial injury to the proposer's competitive position.

The proposer requests that such information be used only for the evaluation of the proposal, but understands that any disclosure will be limited to the extent that the County considers proper under the law. If the County enters into an agreement with this proposer, the County shall have the right to use or disclose such information as provided in the agreement, unless otherwise obligated by law."

and

b) clearly identify the pages of the proposals containing such information by typing in bold face on the top of each page "* THE PROPOSER BELIEVES THAT THIS INFORMATION IS PROTECTED FROM DISCLOSURE UNDER THE STATE FREEDOM OF INFORMATION LAW."

The County assumes no liability for disclosure of information so identified, provided that the County has made a good faith legal determination that the information is not protected from disclosure under applicable law or where disclosure is required to comply with an order or judgment of a court of competent jurisdiction.

The contents of the proposal which is accepted by the County, except portions "Protected from Disclosure", may become part of any agreement resulting from this RFP.

EFFECTIVE PERIOD OF PROPOSALS

All proposals must state the period for which the proposal shall remain in effect (i.e. how much time does the County have to accept or reject the proposal under the terms proposed). Such period shall not be less than 180 days from the proposal date.

SCHEDULE "A"

REQUEST FOR PROPOSALS 2014

ERIE COUNTY DEPARTMENT OF ENVIRONMENT AND PLANNING 95 FRANKLIN STREET

BUFFALO, NEW YORK 14202 Contact Person: Diane Cadle (716) 858-6927

I. STATEMENT OF PROBLEM

Erie County's Community Development Program administers housing programs funded by the U.S. Department of Housing and Urban Development's (HUD) Community Development Block Grant (CDBG) and HOME Investment Partnership Programs for thirty-four communities in Erie County (Erie County Consortium). See attached service area map.

Residents, housing providers, fair housing officers, and government agencies in consortium communities periodically require assistance in interpreting and enforcing the combined protections of federal, state and local fair housing laws.

II. PROPOSAL OBJECTIVE

The Department of Environment and Planning seeks to select a qualified agency to provide the assistance described above under a twelve month contract. The County may extend the contract beyond the initial term for up to two additional one year periods at the a prices and condition agreed to by both parties to the contract..

III. SCOPE OF SERVICES

- Record and investigate complaints of housing discrimination.
- Provide assistance in resolving non-discriminatory tenant/landlord disputes.
- Provide comprehensive services to persons where there is reasonable evidence that housing discrimination has occurred:
 - Provide paralegal counseling about fair housing laws and their application to a specific case.
 - Provide client advocacy to conciliate cases of apparent housing discrimination.

- Where conciliation is unsuccessful, assist in the preparation of cases for administrative or legal remedy.
- Advertise and conduct four fair housing workshops within the consortium area to review all elements of fair housing laws with housing providers and the general public.
- Conduct individual visitations with consortium community fair housing
 officers and conduct at least two (2) training sessions for fair housing officers
 to explain federal and state fair housing statutes, including specific provisions
 of the Fair Housing Amendments Act of 1988, locations and times for the
 sessions to be determined by Erie County; and provide copies of brochures
 targeted to victims and landlords explaining the combined protections of
 federal and state fair housing laws.
- Assist the County in developing and implementing its Fair Housing Plan.
- Generate public service announcements on fair housing for use by broadcasters in Erie County and generate public affairs interviews and/or news stories about fair housing issues.
- Provide consortium fair housing officers with a quarterly fair housing newsletter.
- Provide, upon request, technical assistance to Erie County and consortium communities on matters related to fair housing.
- Provide a quarterly statistical report to the County's Senior Housing Specialist . Such report shall consist of:
 - Frequency, location and nature (discrimination, tenant/landlord dispute or general information) of all requests or referrals for assistance and whether such assistance resulted in the resolution of questions by (1) supplying general information, (2) dispute resolution assistance, (3) paralegal counseling, (4) conciliation, (5) legal action.

IV. COMPENSATION FOR SERVICE

The amount budgeted for fair housing services for the County's 2014 CDBG fiscal year is \$26,400. For the period 4/1/14 - 3/31/15, it is anticipated that the selected contractor will be compensated no more than \$26,400 for each twelve month period of their engagement.

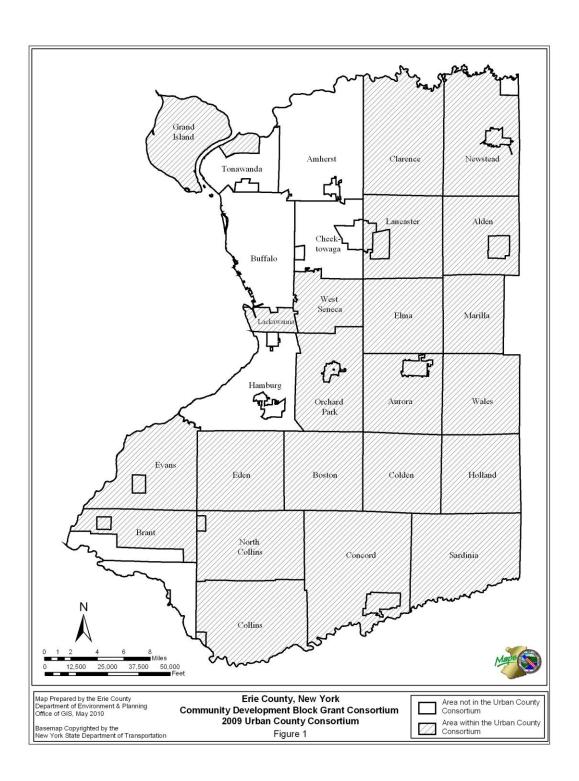
V. TIME PERIOD

The proposal shall be for a 36 month period commencing on 4/1/14.

VI. PROPOSAL REQUIREMENTS

A. Description of the agency's qualifications and experience.

- B. Total fee for services for period 4/1/14 3/31/15, 4/1/15 3/31/16 and 4/1/16 3/31/17 option years. It should be noted that, based on federal funding levels, Erie County has the right to readjust funding levels as well as the scope of services.
- C. Statement indicating that the insurance requirements for the County of Erie can be satisfied.



SCHEDULE "B"

PROPOSER CERTIFICATION

The undersigned agrees and understands that this proposal and all attachments, additional information, etc. submitted herewith constitute merely an offer to negotiate with the County of Erie and is NOT A BID. Submission of this proposal, attachments, and additional information shall not obligate or entitle the proposing entity to enter into a service agreement with the County of Erie for the required services. The undersigned agrees and understands that the County of Erie is not obligated to respond to this proposal nor is it legally bound in any manner whatsoever by the submission of same. Further, the undersigned agrees and understands that any and all proposals and negotiations shall not be binding or valid against the County of Erie, its directors, officers, employees or agents unless an agreement is signed by a duly authorized officer of the County of Erie and, if necessary, approved by the Erie County Legislature and Erie County Fiscal Stability Authority and the Office of the County Attorney.

It is understood and agreed that the County of Erie reserves the right to reject consideration of any and all proposals including, but not limited to, proposals which are conditional or incomplete. It is further understood and agreed that the County of Erie reserves all rights specified in the Request for Proposals.

It is represented and warranted by those submitting this proposal that except as disclosed in the proposal, no officer or employee of the County of Erie is directly or indirectly a party to or in any other manner interested in this proposal or any subsequent service agreement that may be entered into.

	Proposer Name	
By:		
	Name and Title	

SCHEDULE "C"

STANDARD INSURANCE PROVISIONS

County of Erie Standard Insurance Certificate

LAW-1 IN	_		ste does not :	amend extend or sit	er the coverage affo	rded by the stan	derd form policies listed below	, M			
	THIS	his certificate does not amend, extend or alter the coverage affor				Tuesd by the standard form policies helded below.					
Insured	Nam	700			III Companies Affording Coverages						
mourou	Add	ddress				A					
	Zip Phone No.			В							
 eoutpo	Name			С							
lssuing Agency	Zip					<u> </u>					
	Pho	ne No.				D					
						sured named above and are in force at this time.					
indicate `	Туре с	of Insura	nce By Check	ding the Box	Policy Number	Effective Date	Limits of Liability				
Compa	nv	1 Gen	eral Liability		Number	& Expiration	Check the Box Bodily Injury	Occurrence	Aggregate		
Letter -	•		Comprehens	sive Form			Property Damage				
from III a			Premises an				,,				
				impleted Operations							
			Independent				OR				
			Contractual								
			Personal inju	ury			☐ Combined Single Limit				
			Broad Form	Property Damage							
			Explosion, C	collapse							
			Underground	d Hazard							
		2. Auto	omobile Liabil	litv							
			Comprehens	•			☐ Bodily injury				
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		l 👝	Schedule Fo	arm			OR				
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		3. Exce	өвв Llabliity								
			Umbrella Fo	m			Bodily Injury & Property	r			
			OR								
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		4. Worker's Compensation &				Statutory					
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		_	bility Benefit	8			Statutory				
		5. Othe	r								
V. Count	tv of E		luded as an a	additional Insured u	l nder the following Po	olicy numbers:					
	_						for all locations in the County	of Erle, NY.			
	_						xpiration thereof or not renew				
							the Certificate Holder, but fall				
such no	tice sh	nali Impo	se no obligat	ion or liability of any	kind upon the com	pany, Its agents	or representatives.				
VIII. Name and Address of Certificate Holder Date Issued											
& Re	cipien	t of Noti	ce:								
County of Erie Auth. Re			Auth. Represent	ative							
c/o Department of Law											
			Firm name & ad	dress							
Buffalo, NY 14202 716-858-2200											
FOR C	OUNT	TY USE	ONLY:	Name of County De	pt. Requesting Certifi	cate					
				Purchase Order or							
				Vendor Insurance O	lassification						

INSTRUCTIONS FOR COUNTY OF ERIE STANDARD INSURANCE CERTIFICATE

- I. Insurance shall be procured and certificates delivered before commencement of work or delivery or merchandise or equipment.
- II. CERTIFICATES OF INSURANCE
 - A. Shall be made to the "County of Erie, Dept. of Law, Suite 300, 69 Delaware Ave., Buffalo, N.Y. 14202."
 - B. Coverage must comply with all specifications of the contract.
 - C. Executed by an insurance company, agency or broker, which is licensed by the Insurance Department of the State of New York. If executed by a broker, notarized copy of authorization to bind or certify coverage must be attached.
- III. Forward the completed certificate to: County of Erie, (Department or Division) responsible for entering into the agreement for construction, purchase, lease or service.
- IV. Minimum coverage with limits are as follows:

	Α	В	С	D	E	F	G
Vendor	Construction	Purchase or Lease	Professional	Property Leased	Concession-	Livery	All Purposes
Classification	and	of Merchandise or	Services	To Others Or Use	Aires	Services	Public
	Maintenance	Equipment		Of Facilities	Services		Entity Contracts
				Or Grounds			
Comp. Gen. Liab.	\$1,000,000	\$500,000 CSL	\$500,000 CSL	\$1,000,000	\$500,000 CSL	\$1,000,000	\$500,000 CSL
- Prem. & OPS	INCLUDE		INCLUDE	INCLUDE	INCLUDE	INCLUDE	INCLUDE
- Prods. & Comp. OPS	INCLUDE	INCLUDE	INCLUDE	INCLUDE	INCLUDE	INCLUDE	INCLUDE
- Independ. Contract.	INCLUDE	INCLUDE	INCLUDE	INCLUDE	INCLUDE	INCLUDE	INCLUDE
- Contractual	INCLUDE		INCLUDE	INCLUDE	INCLUDE	INCLUDE	INCLUDE
- Broad Form P.D.	INCLUDE	Note:					See note below
- X.C.U.		Comprehensive					
- Personal Injury		Form Not Required	INCLUDE	INCLUDE	INCLUDE	INCLUDE	INCLUDE
- Liquor Law				INCLUDE	see note below		
- Host Liquor							INCLUDE
Auto Liab.	\$1,000,000 CSL		\$1,000,000 CSL				
- Owned	INCLUDE		INCLUDE	INCLUDE	INCLUDE	INCLUDE	INCLUDE
- Hired	INCLUDE		INCLUDE	INCLUDE	INCLUDE	INCLUDE	INCLUDE
- Non-Owned	INCLUDE		INCLUDE	INCLUDE	INCLUDE	INCLUDE	INCLUDE
Excess Umbrella Liab.	\$1,000,000	\$1,000,000	\$1,000,000	\$1,000,000	\$1,000,000	\$1,000,000	\$1,000,000
	see note below						see note below
Worker's Compensation	STATUTORY	STATUTORY	STATUTORY	STATUTORY	STATUTORY	STATUTORY	
& Employers Liability							
Disability Benefits	STATUTORY	STATUTORY	STATUTORY	STATUTORY	STATUTORY	STATUTORY	
Professional Liab.			\$1,000,000				
Erie County To Be	Gen. Liab., Auto	Broad Form	Gen. Liab., Auto				
Named Add'l Insd. On	Liab., & Excess	∀endors May	Liab., & Excess				
		Be Required					

^{*} Construction contracts require excess Umbrella Liability limits of \$3,000,000.

NOTE: Workers Compensation & Employers Liability plus NYS Disability Benefits does not apply to self employed individuals.

V. In some circumstances it will be necessary to require alternate coverage and limits which will be defined in the bid specifications, contract, lease or agreement. The alternative specifications should be evidenced on the certificate in lieu of the standards printed above.

VI. The "ACORD" form certificate may be used in place of the County of Erie Standard Insurance Certificate, provided that all of the above referenced requirements are incorporated into the "ACORD" form certificate.

^{**} Snow removal contracts require evidence of broad form property damage.

^{***} In the event the concessionaire is required to have a N.Y.S. license to dispense alcoholic beverages an endorsement for liquor liability is required.

^{****} Transportation of people in buses, vans or station wagons requires \$3,000,000 excess liability.